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January 27, 2011

Legislative Reporter

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APA Florida Bill Tracking Report

APA Florida's latest Bill Tracking Report is dated **January 27, 2012** and is posted to www.floridaplanning.org/legislative/index.asp. These reports are updated and posted every week. You may also check the status of a bill or review bill text and amendments on the Florida Legislature's website at www.leg.state.fl.us as things can change quickly. Finally APA Florida's Legislative Program and Policies are always at your disposal on APA Florida's Legislative Website. Please bookmark these sites for continued access throughout the 2012 Legislative Session.

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Legislative Updates

The 2012 Legislative Session is scheduled to run from January 10, 2012 through March 9, 2012. The earlier time frame is to allow adequate time for the required redistricting effort that is currently underway. Pre-session committee meetings ended last week and several bills related to planning and growth management issues have been filed. (To see a summary of all the bills that APA Florida is following, click on the bill tracking report in the section above.)

Budget:

The budget continues to be a major concern of the Legislature this session. The projected 2012 budget deficit was estimated in mid-January to be approximately \$3.6 billion, about \$100 million more than estimated in December. The increase was primarily due to higher projected expenses for Medicaid.

Growth Management:

This week, the House Community and Military Affairs Subcommittee moved favorably their glitch bill, [PCB CMAS 12-02](#). This bill would do the following:

- make numerous cross-reference, outdated language and reference corrections
- grandfather local government charter provisions in effect on June 1, 2011, relating to a local initiative or referendum process for the approval of development orders and comprehensive plan or map amendments
- remove criteria that exempts certain municipalities from being signatories to the school interlocal agreement as a prerequisite to implementing school concurrency as school concurrency is now optional and restore criteria to exempt certain municipalities from being a party to the school interlocal agreement;
- extend the time for the state land planning agency and the Administration Commission to issue recommended and final orders and providing a time requirement for the state land planning agency to issue a notice of intent for a plan amendment adopted pursuant to a compliance agreement;
- delete a required annual report by the Department of Economic Opportunity related to the optional sector plan pilot program.

The Senate glitch bill, [CS/SB 842](#) (Senator Bennett, R-21), was moved favorably out of the Senate Community Affairs on January 23rd and is now before the Senate Commerce and Tourism Committee. It is similar to the House bill but also proposes restrictions on regional planning councils that are not included in the House bill. Specifically it requires a regional planning council to determine before accepting a grant that the purpose of the grant is in furtherance of its functions. It also prohibits a regional planning council from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity, as well as prohibits a regional planning council from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future.

The House Community and Military Affairs Subcommittee also moved favorably [HB 7075](#), dealing with military installation support. Included in this bill is new language relative to section 163.3175, resulting from a meeting (which APA Florida attended) held with Representative Workman (R-30), House staff and interested parties. The new language makes it clear that the comments from the military commanding officer regarding amendments are advisory in nature. CS/SB 842 includes this language.

Developments of Regional Impact:

Both the House and Senate have bills pertaining to the Development of Regional Impact process. [SB 1180](#) (Senator Bennett, R-District 21) make a number of changes relative to the DRI process, including the following:

- Restricts reviewing agency comments to those that are consistent with the statutes, rules, or adopted local government ordinances that are applicable to all developments in the jurisdiction where the proposed development is located
- Limits review of a DRI to issues directly related to land use, environmental protection and public facilities, including transportation. Hurricane preparedness and affordable housing can only be raised if a local government has adopted an ordinance that generally applies to all other development. No other issue may be considered.
- The regional planning council's report has to contain recommendations that are consistent with the standards required by the applicable state permitting agencies or the water management district or that are consistent with the land development regulations adopted by the local government if a state permitting agency or water management district standard is not applicable.
- The regional planning agency may not recommend a standard unless the local government has adopted the same standard in its land development regulations or in an ordinance that generally applies to all other developments or unless the standard is required by state permitting
- Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project are now not a substantial deviation.
- Includes new statutory exemption language which appears to allow a local government the option to not require DRI review if a comprehensive plan amendment for the development is adopted pursuant to the state coordinated review process. This exemption does not apply within an ACSC, the Wekiva Study Area or within 2 miles of the Everglades Protection Area boundary.
- Allows the rescinding of a development order in situations where all required mitigation is not completed but will be completed pursuant to a permit or authorization issued by a governmental agency as defined in 380.031.(6).

HB 979 (Representative Diaz, R-115), as originally filed, was identical to SB 1180 but was amended this week by the House Community and Military Affairs Subcommittee. [CS/HB 979](#) made the following changes:

- deletes previously proposed language limiting DRI review to certain issues

- allows RPC to review affordable housing if there is a policy in SRPP - deletes link to local ordinance
- deletes much of previously proposed language regarding what RPC recommendations must be consistent with - now just says state permitting agencies and water management district standards.
- deletes previously proposed local government elective exemption from DRI process for projects but now includes an exemption for projects that qualify for incentive programs under Chapter 288.

This bill now moves to the House Economic Affairs Committee, its last committee of reference. SB 1180 has not yet been heard by a committee.

Incentives and Referendum:

There are two identical bills focusing on resolving the issue related to existing local initiatives and referendum, caused by last year's growth management bill. [HB 1489](#) (Representative Boyd, R-68) and [CS/SB 440](#) (Senator Bennett, R-21) provide that any local government charter provision that was in effect as of June 1, 2011, for an initiative or referendum process in regard to development orders or in regard to local comprehensive plan amendments or map amendments, may be retained and implemented. HB 1489 is before the House Community and Military Affairs Subcommittee, its first of two committees of reference; CS/SB 440 is before its last committee of reference, the Senate Budget Committee.

Public Meetings/Public Notice:

Again this year there are a number of bills filed which deal with public meetings and public notice. [CS/CS/SB 206](#) (Senator Negron, R-28) would require that the public be given the opportunity to be heard on a proposition before a board or commission. Certain exceptions are identified and the board is given authority to adapt rules to maintain the orderly conduct of a meeting. Certain decisions are exempted. The bill was moved favorably by the House Rules Committee on January 23, 2102 and is now before the Governmental Oversight and Accountability Committee, the last committee of reference. [CS/HB 355](#) (Representative Kiar, D-97) provides similar language to the Senate bill and was moved favorably by the House Government Operations Subcommittee on January 25th. The bill is now before the House Rulemaking and Regulation Subcommittee.

There are also several bills which deal with legal notices and the use of newspaper websites. [CS/SB 292](#) (Senator Bennett, R-21) requires that legal notices published in a newspaper must also be placed on the newspaper's website. The bill also changes the rates that can be charged for successive government notices, and requires that maps be included in the online notices. The bill also deletes the requirement that certain notices must be advertised in Leon County. The bill was moved favorably by the Senate Community Affairs Committee on January 18th and is now before the Senate Judiciary Committee. A similar bill, CS/HB 937 (Representative Workman, R-30) was moved favorably by the House State Affairs Committee on January 19th and is now before the House Economic Affairs Committee.

Agriculture:

[SB 1652](#) (Senator Dean, R-3) and [HB 1415](#) (Representative Bergin, R-56) are identical bills which revise the criteria, for when a plan amendment for land defined as an agricultural enclave is presumed not to be urban sprawl, to include not only consistency with existing uses and intensities but also authorized uses and intensities of uses surrounding the parcel. Additionally both bills amend the definition of an agricultural enclave to include two additional criteria, under 163.3164(4)c: 90% of the parcel is bounded by land designated for industrial, commercial or residential land use; the parcel is surrounded by existing or authorized development that will result in a density at buildout of at least 1000 residents per square mile. Neither bill has been heard in committee yet although HB 1415 is before the House Community and Military Affairs Subcommittee.

Permitting:

[CS/SB 716](#) (Senator Bennett, R-21) makes a number of changes relative to environmental regulation. Of significance, it would prohibit a county from requiring that an applicant obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions. A condition can be attached to the local permit, however, that all other state and federal permits be obtained before the commencement of development. This bill was moved favorably by the Senate Community Affairs Committee on January 12th is now before the Senate Environmental Preservation and Conservation Committee. [CS/CS/CS/HB 503](#) (Representative Patronis, R-6) is a similar bill which contains the same provision. CS/CS/CS/HB 503 is before the State Affairs Committee, its last committee of reference.

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Legislative Newsclips

Key Scott jobs advisor Doug Darling leaving

Steve Bousquet, Miami Herald blog, January 27, 2012

<http://miamiherald.typepad.com/nakedpolitics/2012/01/key-scott-jobs-advisor-doug-darling-is-leaving.html>

Water pollution legislation on fast track

North Port Sun, January 26, 2012

<http://www.yoursun.com/sunnews/northport/3408740-454/sunnewspaperswaterpollutionlegislationonfasttrack.html.csp>

Ruling: Giant Farmton development not "sprawl" under new law

Ludmilla Lelis, Orlando Sentinel, January 25, 2012

<http://www.orlandosentinel.com/news/local/volusia/os-farmton-sprawl-ruling-20120125.0.2234146.story>

House panel voting on Fla. redistricting plans

Associated Press, Herald Tribune, January 27, 2012

<http://www.heraldtribune.com/article/20120127/APN/1201270587>

Proposal would change public/private boundaries on Florida's lakes and rivers

Craig Pittman, Staff Writer, Tampa Bay Times, January 24, 2012

<http://www.tampabay.com/news/environment/water/proposal-would-change-publicprivate-boundaries-on-floridas-lakes-and-rivers/1211961>

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